

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

**Ilya and Simona Golub,**

Debtor.

Chapter 11

Bankruptcy No. 16-10968

Honorable Jack B. Schmetterer

**NOTICE OF MOTION**

Please take notice that on **July 31, 2017, at 10:00 a.m.** or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable Jack B. Schmetterer, United States Bankruptcy Judge for the Northern District of Illinois, in Courtroom 682 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, and then and there shall present the **Reorganized Debtors' Motion for Entry of Final Decree Closing Chapter 11 Case**, a copy of which is attached hereto and herewith served upon you.

Dated: July 24, 2017

**Ilya and Simona Golub**

By: /s/ Ariane Holtschlag  
One of Their Attorneys

William J. Factor (6205675)  
Ariane Holtschlag (6294327)  
**FACTORLAW**  
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### CERTIFICATE OF SERVICE

I, Ariane Holtschlag, an attorney, hereby certify that on July 24, 2017, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the Service List below and by U.S. mail on all other persons identified on the Service List below.

/s/ Ariane Holtschlag

### SERVICE LIST

#### **Registrants in the Case**

(Service via ECF)

William J Factor	wfactor@wfactorlaw.com, wfactorlaw@gmail.com;bharlow@wfactorlaw.com;wfactor@ecf.inforuptcy.com;wfactormyecfmail@gmail.com;r43923@notify.bestcase.com
Ariane Holtschlag	aholtschlag@wfactorlaw.com, bharlow@wfactorlaw.com;gsullivan@ecf.inforuptcy.com;r43923@notify.bestcase.com
Cari A Kauffman	ckauffman@sormanfrankel.com, dfrankel@sormanfrankel.com
Patrick S Layng	USTPRegion11.ES.ECF@usdoj.gov
Jose G Moreno	nd-one@il.cslegal.com

#### **Others**

(Service via U.S. mail)

Ally Bank  
PO Box 130424  
Roseville MN 55113-0004

AMERICAN EXPRESS BANK, FSB  
C/O BECKET AND LEE LLP  
PO BOX 3001  
MALVERN, PA 19355-0701

AT&T MOBILITY  
PO Box 6416  
Carol Stream, IL 60197-6416

Bank Of America  
P.O. BOX 851001  
DALLAS, TX 75285-1001

Ally Financial  
P.O. Box 380901  
Bloomington, MN 55438-0901

Amex  
BOX 0001  
Los Angeles, CA 90096-8000

CAPITAL FEDERAL SAVINGS BANK  
c/o Codilis & Associates, P.C.  
15W030 North Frontage Road, Suite 100  
Burr Ridge, IL 60527-6921

BarclayCard  
P.O. Box 60517  
City of Indurstry, CA 91716-0517

(p)CITIBANK  
PO BOX 790034  
ST LOUIS MO 63179-0034

Chase  
P.O. BOX 15123  
WILMINGTON, DE 19850-5123

Capital One  
P.O. Box 6492  
Carol Stream, IL 60197-6492

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Daimler Trust  
c/o BK Servicing, LLC  
PO Box 131265  
Roseville, MN 55113-0011

CitiMortgage  
P.O. Box 6243  
Sioux Falls, SD 57117-6243

CitiMortgage, Inc.  
asf Capitol Federal Savings Bank  
PO Box 6030  
Sioux Falls, SD 57117-6030

Discover  
PO BOX 6103  
Carol Stream, IL 60197-6103

Department of Treasury-Internal Revenue Serv  
PO Box 7346  
Philadelphia, PA 19101-7346

Department of the Treasury  
Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Fifth Third Bank  
PO Box 9013  
Addison, Texas 75001-9013

Discover Bank  
Discover Products INC  
P.O. Box 3025  
New Albany Ohio 43054-3025

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7141 N. Kedzie Ave.  
Chicago, IL 60645-2847

Internal Revenue Service  
Mail Stop 5014CHI  
230 S. Dearborn Street, Room 2600  
Chicago, IL 60604-1705

FedLoan Servicing  
P.O. Box 69184  
Harrisburg, PA 17106-9184

Fifth Third Bank  
P.O. Box 740789  
CINCINNATI, OH 45274-0789

Patrick S Layng  
Office of the U.S. Trustee, Region 11  
219 S Dearborn St Room 873  
Chicago, IL 60604-2027

Ilya Golub  
1915 Sheridan Road  
Buffalo Grove, IL 60089-8001

Simona Golub  
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Buffalo Grove, IL 60089-8001

Lisa Kats  
1250 Rudolph Road  
Apt. 3D  
Nothbrook, IL 60062-1427

Mercedes Benz Financial Services  
PO Box 685  
Roanoke, TX 76262-0685

Cari A Kauffman  
Sorman & Frankel, Ltd.  
180 North LaSalle Street  
Suite 2700  
Chicago, IL 60601-2709

PNC Bank  
PO BOX 856177  
Louisville, KY 40285-6177

U.S. Bank National Association (see 410)  
c/o U.S. Bank Home Mortgage  
A Division of US Bank NA  
4801 Frederica St  
Owensboro, KY 42301-7441

SAM'S CLUB MC/SYNCE  
P.O. BOX 960013  
ORLANDO, FL 32896-0013

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

Synchrony Bank  
c/o Recovery Management Systems Corp  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

UNITED STATES BANKRUPTCY COURT  
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In re:

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Honorable Jack B. Schmetterer

REORGANIZED DEBTORS' MOTION FOR ENTRY OF FINAL  
DECREE AND ORDER CLOSING CHAPTER 11 CASE

Because the bankruptcy estate in this case has been fully administered, Ilya and Simona Golub, (the “**Debtors**”) seek entry of a final decree and order closing this chapter 11 case.

BACKGROUND

On March 30, 2016, the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.*, thereby initiating the captioned case.

On March 17, 2017, the Court entered an order confirming the Plan filed by the Debtors, on January 19, 2017, (the “**Plan**”). *See* ECF No. 75. The Plan’s Effective Date<sup>1</sup> was March 31, 2017, and the confirmation order is a final order.

The Plan requires that the Debtors make the following payments or take the following actions following the Plan’s Effective Date:

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<sup>1</sup> Unless otherwise specified, all capitalized terms used herein shall have the meaning ascribed thereto in the Plan.

Type or Class of Claims	Creditors	Date of payment or treatment under Plan	Status of Payments
U.S. trustee fees.	U.S. trustee.	Paid quarterly.	The Debtors paid U.S. trustee fees assessed through the filing of this motion and will pay the remaining fees once the final fees due have been calculated.
Unclassified administrative expense claims.	Professionals retained in the case. <sup>2</sup>	Payments will be made in installments of approximately \$2,000.00 for approximately 10 months or as otherwise agreed between the Debtors and FactorLaw.	The Debtors have made all payments required to date.
Class 1.	CitiMortgage Secured Claims.	Paid in full through monthly principal and interest payments of \$2,562.12 or otherwise as contractually agreed between CitiMortgage and the Debtors.	The Debtors have made all payments required to date.
Class 2.	US Bank Secured Claims.	Paid in full through monthly principal and interest payments of approximately \$500.00 or otherwise as contractually agreed between U.S. Bank and the Debtors.	The Debtors have made all payments required to date.

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<sup>2</sup> Professionals retained in this case include The Law Office of William J. Factor, Ltd. (the Debtor's bankruptcy counsel).

Type or Class of Claims	Creditors	Date of payment or treatment under Plan	Status of Payments
Class 3.	Ally Secured Claims.	Paid in full through monthly principal and interest payments of \$899.99 or otherwise as contractually agreed between Ally and the Debtors.	The Debtors have made all payments required to date.
Class 4.	Fifth Third Secured Claims.	Paid in full through monthly principal and interest payments of \$340.14 or otherwise as contractually agreed between Fifth Third and the Debtors.	The Debtors have made all payments required to date.
Class 5.	Nissan Lease Claims.	Paid in full through monthly principal and interest payments of \$550.00 or otherwise as contractually agreed between Nissan and the Debtors.	The Debtors have made all payments required to date.
Class 6.	Real Estate Tax Claim.	Paid in full within 30 days of the Effective Date.	The Debtors have made all payments required to date.
Class 7.	Unsecured Claims.	Shall receive their pro rata share of at last \$107,200 from monthly distributions to be paid over a maximum term of sixty (60) months after the Effective Date of the Plan.	The Debtors have made all payments required to date as no payments to this Class have yet come due under the Plan.

Finally, there are no pending matters left for this Court to address.

## DISCUSSION

1. “After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” Fed. R. Bankr. P. 3022; *accord* 11 U.S.C. § 350(a).

2. The Bankruptcy Code and Rules do not define when an estate is fully administered, so courts “should review each request for entry of a final decree on a case-by-case basis and analyze the factors set forth in Rule 3022, along with any other relevant factors, in determining whether an estate has been fully administered.” *Spierer v. Federated Dep’t Stores, Inc. (In re Federated Dep’t Stores, Inc.)*, 43 Fed. Appx. 820, 822 (6th Cir. 2002); *accord In re Mold Makers, Inc.*, 124 B.R. 766, 768 (Bankr. N.D. Ill. 1990).

3. The factors considered include: (a) whether the order confirming the plan has become final; (b) whether deposits required by the plan have been distributed; (c) whether the property proposed by the plan to be transferred has been transferred; (d) whether the debtor or the successor of the debtor under the plan has assumed the business of the management of the property dealt with by the plan; (e) whether payments under the plan have commenced; and (f) whether all motions, contested matters, and adversary proceedings have been finally resolved. Fed. R. Bankr. P. 3022 Advisory Note.

4. Whether or not there is a possibility that a court’s jurisdiction may be invoked in the future is not a basis to keep a case open, as a final decree closing the case after the estate is fully administered does not deprive the court of jurisdiction to enforce or interpret its own orders and does not prevent the court from reopening the case for cause pursuant to 11 U.S.C. § 350(a). *Id.*

5. Here, each of the applicable factors is satisfied and the Debtors’ case has been finally administered.

6. There is therefore no further need for supervision by this Court. (And in the unlikely event that an issue does arise, this Court retains jurisdiction under article 12 of the Plan to resolve that issue.)



**NOTICE**

7. Seven days' notice of this motion has been provided to: (a) the Debtors; (b) the United States trustee; (c) the Debtors' creditors; and (d) any other party that has filed an appearance or requested notice in the case. The Debtors submit that, under the circumstances, such Notice is adequate and that no further notice is required.

**Wherefore**, the Debtors respectfully request that the Court enter a final decree and order closing the case, and grant such further relief as is appropriate under the circumstances.

Dated: July 24, 2017

**Ilya and Simona Golub**

By: /s/ Ariane Holtschlag  
One of Their Attorneys

William J. Factor (6205675)  
Ariane Holtschlag (6294327)  
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